

Chapter 70
SOLID WASTE

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ARTICLE I. COLLECTION AND DISPOSAL

Sec. 70-1. Service provider.

The City may either establish its own solid waste and recyclable material collection, removal, and disposal services system or it may by ordinance designate a solid waste and recyclable material collection, removal, and disposal services system franchise holder as its exclusive agent. (Ord. No. 232, §2, 2-13-2003; Ord. No. 468, §1, 5-24-2012)

Sec. 70-2. Participation in service.

Each residential, commercial, or industrial unit shall utilize the solid waste and recyclable material collection, removal, and disposal services provided by the City or the City's franchise holder. Failure to utilize such disposal services does not negate the charges for the services, nor does it relieve the unit of the responsibility to pay said charges even when the City or franchise holder initiates stop service for failure by a unit to pay the City or franchise holder for solid waste and recyclable material collection, removal, and disposal services. Units producing a volume of solid waste or recyclable material above the quantity limitations prescribed herein or within the franchise holder's contract shall, after first applying for and receiving a written permit from the City, contract with the City or the franchise holder at the unit's expense for the removal of the solid waste or recyclable material under conditions to be set out fully in said permit. (Ord. No. 232, §3, 2-13-2003; Ord. No. 468, §1, 5-24-2012)

Sec. 70-3. Prohibited acts.

- (a) Unless authorized elsewhere in this Article or within the franchise holder's contract, it shall be unlawful for any unit or other entity to dump any solid waste or recyclable material of any type on any vacant property or along any public right of way within the City limits.
- (b) Unless authorized elsewhere in this Article or within the franchise holder's contract, it shall be unlawful for any unit or other entity to dump any solid waste or recyclable material of any type in any public right of way within the City limits.

(Ord. No. 232, §9, 2-13-2003; Ord. No. 468, §1, 5-24-2012)

Sec. 70-4. Penalty.

Any unit or entity charged with violating any provision of this Article shall be cited for a misdemeanor offense, and, upon conviction for such violation, shall be punished by a penalty of not less than \$25.00 nor more than \$2,000.00. Each day of continuation of each such violation shall be a separate offense and punishable as such. (Ord. No. 232, §11, 2-13-2003; Ord. No. 468, §1, 5-24-2012)

Secs. 70-5 - 70-20. Reserved.

(Historical Footnote. Ord. No. 468 adopted May 24, 2012 repealed the former Article I Secs. 1 through 9 and enacted a new Article I as set out herein. Rules and regulations can be found in the current Solid Waste Collection and Disposal Contract and Municipal Franchise Contract.)

ARTICLE II. DUMPING AND DUMPED MATERIALS

Sec. 70-21. Dumping prohibited; dumped materials in developed areas.

It shall be unlawful to dump any weeds, brush, rubbish, trash or other debris whatever in any lot or parcel of real estate in the developed areas within the city. In developed areas of the city, whenever and wherever dumped materials such as weeds, brush or rubbish from dumping shall exist, covering or partially covering the surface of any lot or parcel, such condition is hereby declared to be a public nuisance, the prompt abatement of which is a public necessity. All property within the developed areas of the city shall be kept completely free and clear of dumped materials, such as weeds, brush, rubbish and trash, whether dumped by the owner or with his permission or not. (Ord. No. 37, §1, 11-25-1985)

Sec. 70-22. Dumped materials in other areas.

- (a) In other areas of the city, that portion of any lot or parcel of land within 100 feet of any creek bed or within 50 feet of any public street or road which is within 75 feet of any building shall be kept completely free and clear of any dumped materials, such as weeds, brush, or rubbish.
- (b) Whenever and wherever dumping from materials such as weeds, brush or rubbish shall exist, covering or partially covering this portion of any lot or parcel in a city block which is not a developed area, such condition is hereby declared to be a public nuisance, the prompt abatement of which is a public necessity.

(Ord. No. 37, §§ 2 - 3, 11-25-1985)

Sec. 70-23. Duty of property owners.

It is the duty and responsibility of the owners of property within the city to keep and maintain their properties in compliance with the above standards. (Ord. No. 37, §4, 11-25-1985)

Sec. 70-24. Notice of violation.

Whenever the building inspector receives information of the existence of any property not meeting the standards set out in sections 70-21 and 70-22, he, or any building inspector or sanitary officer assigned such responsibility, shall serve the owner of the property with a written notice informing the owner of such condition and directing that action be taken to bring the property into compliance within 15 days. (Ord. No. 37, §5, 11-25-1985)

Sec. 70-25. Enforcement; penalty.

It shall be unlawful for the owner or tenant of any land within the city to fail to have any dumped materials such as weeds, brush or rubbish and trash removed, or otherwise bring property into compliance with the standards set forth above, within 15 days after notice is received directing that such standards be met; the employee of the city assigned such duties shall, whenever a violation is found, file a complaint with the municipal court; and the prosecutor of the municipal court assigned such duties shall prosecute the case and upon conviction for violation hereof the owner shall be fined not less than \$35.00 nor more than \$200.00; provided, however, that upon the second conviction of any person for violation hereof, the fine shall be not less than \$75.00 nor more than \$200.00; and that upon the third and all subsequent convictions of any person for the violation hereof, the fine shall be not less than nor more than \$200.00. Each day's violation hereof shall constitute a separate offense. (Ord. No. 37, §6, 11-25-1985)

Chapters 71 - 73. Reserved.